

Egremont Planning Board Minutes

December 1, 2021, 10:00 AM

Call to order: 10:04

Present via Zoom: Jared Kelly, Chair, Mary McGurn, Matthew Bersani, Marjorie Wexler- Associate Member, Eddie Regendahl, Stephen Lyle

Citizens in Attendance: Doug Mishkin, Housing Committee, Peg McDonough, (Egremont administrator for ARPA), Marcia Arland, Fred Gordon, Chair of Housing Committee, Richard Allen, Housing Committee

Form A's: none

Mail: Clem Hill of the 30 Blunt Rd. questions whether a survey is needed in order to sell land. Chairperson Kelly had called local surveyor, Mike Parsons, who said that a survey would be required, in order to record. Mr. Kelly will advise Mr. Hill of the need for a survey.

Minutes: October 27, 2021 minutes and the Mallory hearing minutes approved as read. November 17, 2021 minutes were tabled pending edits from Jared Kelly and Mary McGurn.

Citizens Time: None

Updates and discussion:

- Peg McDonough introduced herself as an employee of Egremont hired by the Select Board to oversee the ARPA fund distribution, with a background in regional planning. She is studying the technology required to begin a searchable database of large format documents for the town. PB member Eddie Regendahl who has experience in that area of technology, emphasized the considerable work involved in scanning, and in particular, making documents searchable. Eddie agreed to assist.

- Affordable Housing Committee Presentation: Housing Committee (HC) member Richard Allen described the need for affordable housing pointing out that the Town Hall site must overcome a number of practical, economic, and regulatory constraints. He has contacted several potential developers of the site; some have voiced interest. Because of developer's need to be informed of local attitudes and opinions before making commitments, Mr. Allen asks that the Planning Board state whether or not it favors the project in principle, and would therefore grant variances and a permit for a subdivision. Planning Board member Matthew Bersani voiced general support for the project.

HC member Fred Gordon described the following regulatory paths open for the project: MA general law 40A; MA general law 40B, (contains both "hostile" and "friendly" versions; cluster housing (subdivision)), done through zoning amendment; and overlay district. Richard Allen explained the "hostile" 40B MA law in which the regulatory path goes straight to the zoning board (ZBA) leaving all other town boards – including the Planning Board – with no say. Such projects must be 25% affordable to qualify. If the ZBA refuses, there is an appeal process to a special court that generally rules in favor of approval, since the 40B law is meant to counteract the NIMBY effect. Thus, the town must show that 10% of all town housing is affordable, impossible to do in Egremont. Apparently, 40B can, to some extent, override local zoning, but is not popular with developers. Mr. Allen also questioned the extent to which subdivision regulations may override zoning laws such as one-acre requirements.

Chair, Jared Kelly, asked what minimum frontage would be needed in the subdivision and whether developers would be willing to include more than 25% affordable units. Mr. Allen answered that the developers with whom he is in contact primarily provide a 100% affordable housing model.

Fred Gordon described the Habitat for Humanity model, which puts up one or two units at a time, sells them and uses the proceeds to build more. He went on to say that they have a good record of no mortgage defaults. A goal is to have some units available to "workforce" citizens, such as police officers, who may qualify despite their slightly higher incomes. Mr. Gordon asked whether the town counsel might advise on the best regulatory route, mentioning that they had spoken to concerned abutters, and that ultimately, the voters will decide.

Mary McGurn asked whether using the affordable housing overlay district might facilitate similar developments in the future.

Chairperson, Jared Kelly, asked about income restrictions, concerned that they may be too low, given the high cost of living in Egremont. Mr. Allen responded, saying that the Housing Commission has been seeking a solution that would allow incomes of 65K to qualify.

Doug Mishkin described a Tufts study of the 40B law showing that most of abutter and NIMBY concerns, high at the outset, tended to abate fairly quickly.

Matthew Bersani asked the HC whether they had a strong sense of town support for the project, and Mr. Allen responded that most of the people he has contacted are supportive, although some are concerned about its size.

Mr. Mishkin suggested that presenting the townspeople with a concrete plan would be helpful. Then, Fred Gordon, responding to Mary McGurn's question, pointed out the pros and cons of overlays, such as the Jug End district. He observed that there is no remaining unused town owned property available, and that it would require an informational campaign to get a town buy-in.

Mr. Allen, in response to Eddie Regendahl's question regarding the 10% number of affordable units in the town, answered that it was around 75.

Stephen Lyle brought up the rental versus ownership question, asking the HC whether the shorter-term needs of a workforce population should be considered. Mr. Allen responded that indeed, the predominant regional need was for rental, but that he wasn't sure how that might be accomplished in Egremont. For example, managing rentals would require the creation of a Housing Authority.

Chairperson Kelly asked that the HC be involved in ongoing Master Plan activities. He went on to query Fred Gordon about possibilities involving private land. Gordon said that using private land might result in a hostile 40B and eventual, expensive litigation. Mr. Kelly then remarked that, with the right cluster housing overlay, using private land might be possible.

Richard Allen mentioned alternate avenues to encourage affordable housing, such as the building of ADU's. And, in fact, a 501C3 Corp., patterned on the Salisbury Housing Trust, is ready to receive private donations to buy land for housing.

Chairperson, Jared Kelly, thanked the HC and reiterated general support of the Planning Board for the affordable housing project. He also noted that the PB would want to hear from potential abutters and the community before it could be more specific in its support of the project.

Discussion of structure definition was tabled.

Discussion of junk cars was tabled.

Discussion of Fence bylaw – Eddie Regendahl reported on fencing laws of MA and Stockbridge. He will draw up a report. Chairperson Kelly explicitly stated his wish that privacy fences intersecting the property line at a 90° angle be allowed.

Discussion of Special Permit Application revision was tabled.

Discussion of the Master Plan-- Three proposals have come in: Emily Innis and Associates, Weston and Sampson, and Berkshire Regional Planning Commission. Interviews are to be scheduled by the Chair.

Egremont Building Inspector, Ned Baldwin, contends that the ADU bylaw states that ADU's may not be built first and that there is a lack of clarity on the subject. This matter will be placed on the agenda for the next meeting.

Next meeting is set for December 15, 2021

Vote to adjourn present meeting: 11:38 AM